



PATENT
Serial No. 10/757,796
Atty. Docket No. 035372-003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Jon C. Taenzer et al. CONFIRMATION NO.: 5451
SERIAL NO.: 10/757,796
FILING DATE: 01/13/2004
TITLE: EARSET ASSEMBLY
EXAMINER: Ni, Suhan
ART UNIT: 2614

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on the date printed below:

Date: 02/11/2008

Name:


Julie Arango

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO CORRECT INVENTORSHIP UNDER 37 CFR 1.48(B)

Please correct the inventorship in the above-captioned application to delete the following inventor, whose invention is no longer being claimed in this application:

Donald R. Saleh

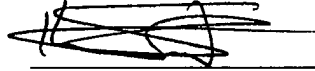
The correct inventorship in this application is:

Jon C. Taenzer

Tanh Q. Nguyen

Respectfully submitted,
THELEN REID BROWN RAYSMAN & STEINER LLP

Dated: 02/11/2008



Khaled Shami
Attorney of Record
Reg. No. 38,745

THELEN REID BROWN RAYSMAN & STEINER LLP
P.O. Box 640640
San Jose, CA 95164-0640
Tel. (408) 292-5800
Fax. (408) 287-8040



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DECLARATION OF JON C. TAENZER AND THANH Q. NGUYEN
UNDER 37 C.F.R. §1.131

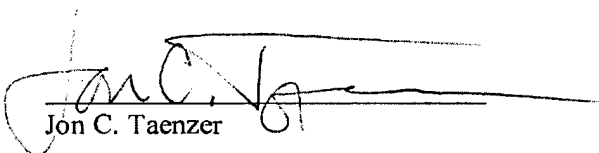
We, Jon C. Taenzer and Thanh Q. Nguyen declare as follows:

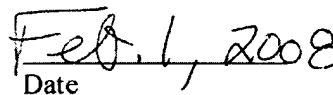
1. We are co-inventors of the U.S. patent application identified above. We make this declaration in support of the application.
2. We were involved in the conception and reduction to practice of the invention disclosed in the application and claimed in at least the independent claims which are now in the application, namely claims 1 and 24.
3. Prior to January 7, 2004, we conceived and reduced to practice the invention taught in the present patent application and claimed in at least the independent claims which are now in the application, namely claims 1 and 24.
4. One embodiment of the invention which we conceived and reduced to practice we called the Model 880 earpiece, which was part of a project we called the 800 earpiece project.
5. Attached to this Declaration is a copy of page 84 from one of Jon Taenzer's laboratory notebooks concerning the Model 880 earpiece. The page is dated with a date which precedes January 7, 2004. The date and confidential information not relevant to the present patent application have been redacted. The notes state, "Went over the acoustic tests on 880 SLA." The acronym SLA meant stereolithographic assembly, which was a process for producing prototype devices from drawings. At the time this report was made, units had arrived, been assembled for testing and we had completed acoustic validation testing. Since the results were good, in a meeting attended by the attendees

indicated at the top of the page, were presented the results indicating that design goals had been met.

6. Attached to this Declaration is a copy of a page labeled "SitRep Meeting Work Sheet", which is a report of one of periodic Situation Report meetings attended by Jon Taenzer and in which work progress briefings were conducted. The page is dated with a date which precedes January 7, 2004 and follows the date of the laboratory notebook page identified in paragraph 5 above by about two weeks. The date and confidential information not relevant to the present patent application have been redacted. The notes state, "Completed full characterization acoustic testing of the one SLA 880 microphone and sound delivery system, will finish second this coming week (Andre.)" In this meeting it was reiterated that successful results from the first of the new Model 880 prototypes were realized.
7. Attached to this Declaration are two drawings which we have labeled Fig. 1 and Fig. 2. Fig. 1 shows the Model 880 earpiece. The drawing we have labeled Fig. 1 was created prior to January 7, 2004. Fig. 2 shows the Model 880 earpiece and we have added labels indicating components which correspond to the elements of the pending independent claims, claim 1 and claim 24, of the patent application identified above.

We, the undersigned, declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements were made with the knowledge that willfull false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willfull false statements may jeopardize the validity of the application or any patent issuing therefrom.


Jon C. Taenzer


Date

Thanh Q. Nguyen

Date

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Jon C. Taenzer



Thanh Q. Nguyen

Date

2/4/08

Date



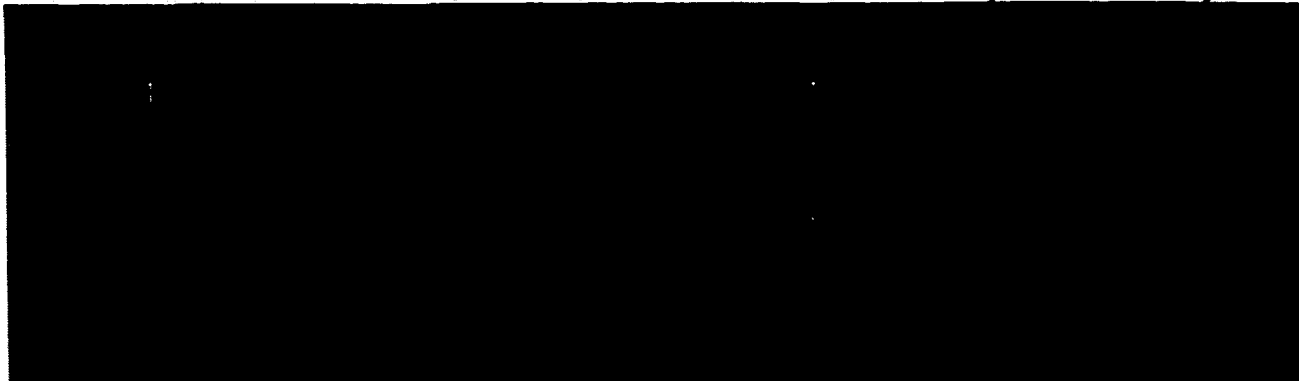
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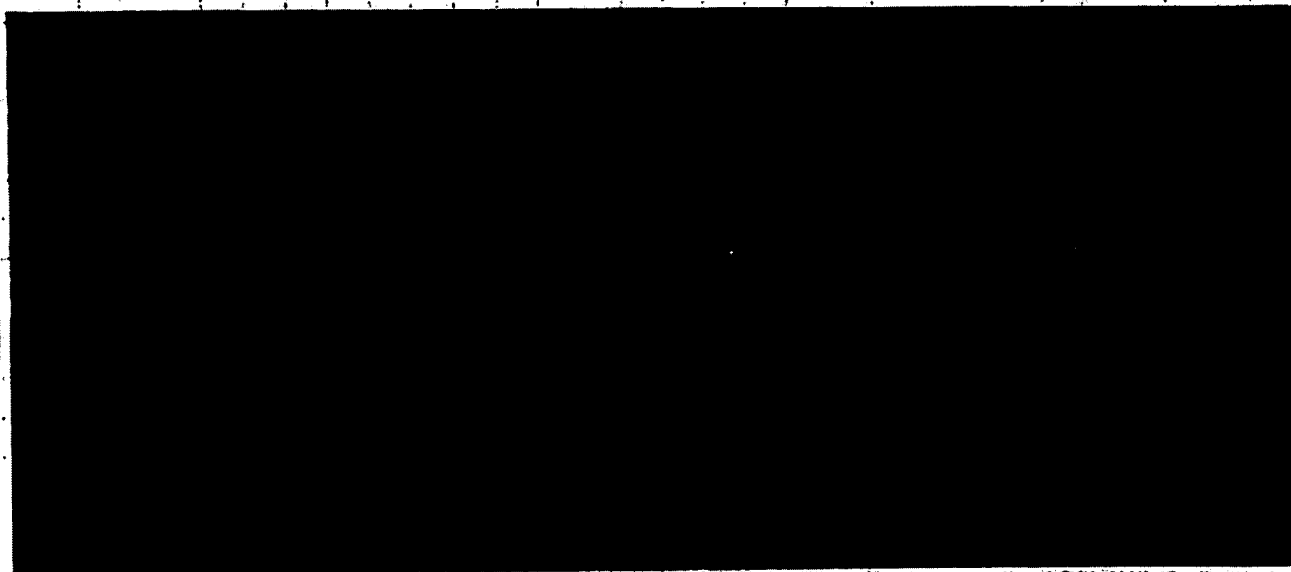
Book No. _____

TITLE 880 Mtg - 11:00

From Page No. Attendees: Don, Jon, Bill, Joseph, Nulay, 7.



Went over the acoustic tests on 880 SIA



CONFIDENTIAL

To Page

Witnessed & Understood by me,

Date

Invented by

Date

Recorded by